

#14

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional)
<div style="display: flex; justify-content: space-between;"><div style="width: 60%;"><p>First named inventor: <u>ADDISON W. LEARNED III</u></p><p>Application Number: <u>09 233 805</u></p><p>Filed: <u>3/10/98</u></p><p>Title: <u>ISO KINETIC PAINT BRUSH HANDLES</u></p><p>Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231</p><p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p><p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p><p style="text-align: center;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p><p>NOTE: A grantable petition requires the following items:</p><ul style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li><li>(4) Adequate showing of the cause of unavoidable delay</li></ul><p style="text-align: right;"><i>RECEIVED NO NOTICE OF ABOLVABILITY, MAILED SEPT 24, 1999 BY PTO.</i></p><p>1. Petition fee</p><p><input type="checkbox"/> small entity - fee \$ <u>55</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p><p><input type="checkbox"/> other than small entity - fee \$ _____ (37 CFR 1.17(l)).</p><p>2. Reply and/or fee</p><p>A. The reply and/or fee to the above-noted Office action in the form of <u>CHECK FOR #53</u> (identify the type of reply):</p><p><input checked="" type="checkbox"/> has been filed previously on <u>21 MAR</u>.</p><p><input type="checkbox"/> is enclosed herewith.</p><p>B. The issue fee of \$ <u>605</u></p><p><input checked="" type="checkbox"/> has been paid previously on <u>1999</u>.</p><p><input type="checkbox"/> is enclosed herewith.</p></div><div style="width: 35%; text-align: center; vertical-align: top;"><p>Group Art Unit: <u>1744</u></p><p>Examiner: <u>MARK SPISICH</u></p><div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"><p style="font-size: 1.2em; font-weight: bold;">RECEIVED</p><p style="font-size: 1.1em;">MAR 28 2001</p><p style="font-weight: bold;">OFFICE OF PETITIONS</p></div></div></div>		

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

23 MAR 01

Date

*Alison W. Learned*

Signature

Telephone

Number: (\_\_\_\_) \_\_\_\_\_

ALISON W. LEARNED III

Typed or printed name

BOX 164 N. ARLINGTON

Address

MA. 02351

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

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OFFICE OF PETITIONS

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

23 MAR 01

Date

*Alison W. Learned*

Signature

ALISON W. LEARNED III

Typed or printed name of person signing certificate

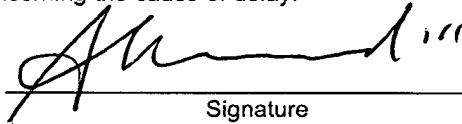
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

23 MAR 01

Date



Signature

ANDREW W. LEARNED

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

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*(Please attach additional sheets if additional space is necessary)*

UNITED STATES DEPARTMENT OF COMMERCE  
Commissioner of Patents and trademarks  
Washington, D.C. 20231

MAR 13, 2001

AP# 09/233/805

Attention Tom Hawkins  
RE: UNAVOIDABLE DELAY

SIR:

I HAVE NOT ABANDONED ANY OF MY PATENT APPLICATIONS  
BUT FIND THAT THE PTO KEEPS INFORMING ME THAT NO FURTHER  
ACTION WILL TAKE PLACE.

Please PLEASE HELP ME WITH THESE PROBLEMS.

THANK YOU

MIKE LEARNED



AW LEARNED III  
BOX 164  
N. ABINGTON  
MA 02351  
781-871-7239

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OFFICE OF PETITIONS

UNITED STATES DEPARTMENT OF COMMERCE  
Commissioner of Patents and trademarks  
Washington, D.C. 20231

MAR 22, 2001

AP# 09/233/805

Attention Tom Hawkins  
RE: UNAVOIDABLE DELAY

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MAR 28 2001

SIR:  
I HAVE ALREADY PAID THE ISSUING FEE.

OFFICE OF PETITIONS

ENCLOSED IS A CHECK FOR \$55 TO PAY THE FEE FOR FILING THIS ACTION. PLEASE RECOGNIZE THAT CORRESPONDENCE WITH THE PATENT OFFICE HAS BEEN INTERRUPTED ON MANY OCCASIONS AND ATTEMPTS TO RESOLVE CONFUSION HAS BEEN TAKEN MANY TIMES BY BOTH ME AND THE APPRECIATED EFFORT OF MEMBERS OF THE PATENT OFFICE.

THANK YOU FOR YOUR CONTINUED HELP IN GETTING MY ESTEEMED US PATENT; THE FAMILY WILL CELEBRATE UPON ITS ARRIVAL; YOU ARE CORDIALLY INVITED.

SINCERELY,



AW "MIKE" LEARNED III  
BOX 164, N. ABINGTON MA 023351



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

ADDISON WOODBURY LEARNED III  
P O BOX 164  
N ABLINGTON MA 02351

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MAR 28 2001

**OFFICE OF PETITIONS**

In re Application of  
09/233,805 now abandoned

At your request I am sending the following forms: Petition For Revival Of An  
Application Unavoidable under 37 CFR 1.137(a) and Unintentionally under 1.137(b)

The applicant was informed by Primary Examiner, Mark Spisich, Group 1700, through the  
Office communication, mailed September 14, 2000, that the applicant must followed the  
procedure for reviving an abandoned application before the formal drawings will be  
accepted.

The applicant was also informed by Thomas Hawkins, Office of Patent Publications, that a  
Petition to Revive under 37 CFR 1.137 (a) or (b) must be submitted. The applicant had  
failed to comply with the requirements for formal drawings as indicated in the Notice of  
Allowability, mailed September 24, 1999.

ENCLOSED NOTICE OF DRAFTS PERSONS & Patent Dept. in Review  
(PTOL 448)  
Forms 1.137(a) & 1.137(b)

Tom Hawkins  
PO Box 7030305 02351

**NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEW****RECEIVED****MAR 28 2001****OFFICE OF PETITIONS**

The drawing(s) filed (insert date) \_\_\_\_\_ are:

A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.**1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:****Black ink. Color.**

\_\_\_\_ Color drawings are not acceptable until petition is granted.

Fig(s) \_\_\_\_\_

\_\_\_\_ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS. 37 CFR 1.84 (b)**

\_\_\_\_ 1 full-tone set is required. Fig(s) \_\_\_\_\_

\_\_\_\_ Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) \_\_\_\_\_

\_\_\_\_ Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER. 37 CFR 1.84(e)**

\_\_\_\_ Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

\_\_\_\_ Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

\_\_\_\_ Mylar, velum paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:**

\_\_\_\_ 21.0 cm by 29.7 cm (DIN size A4)

\_\_\_\_ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

\_\_\_\_ All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

\_\_\_\_ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS. 37 CFR 1.84(g): Acceptable margins:**

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

**8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)**

\_\_\_\_ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE. 37 CFR 1.84(k)**

\_\_\_\_ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.****37 CFR 1.84(i)**

\_\_\_\_ Lines, numbers &amp; letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) \_\_\_\_\_

**11. SHADING. 37 CFR 1.84(m)**

\_\_\_\_ Solid black areas pale. Fig(s) \_\_\_\_\_

\_\_\_\_ Solid black shading not permitted. Fig(s) \_\_\_\_\_

\_\_\_\_ Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.****37 CFR 1.84(p)**

\_\_\_\_ Numbers and reference characters not plain and legible.

Fig(s) \_\_\_\_\_

\_\_\_\_ Figure legends are poor. Fig(s) \_\_\_\_\_

\_\_\_\_ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

\_\_\_\_ English alphabet not used. 37 CFR 1.84(p)(2)

Figs \_\_\_\_\_

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SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

\_\_\_\_\_ Top (T) \_\_\_\_\_ Left (L)  
\_\_\_\_\_ Right (R) \_\_\_\_\_ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

\_\_\_\_\_ Brackets needed to show figure as one entity.

Fig(s) \_\_\_\_\_

\_\_\_\_\_ Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

\_\_\_\_\_ Enlarged view not labeled separately or properly.

Fig(s) \_\_\_\_\_

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

\_\_\_\_\_ Hatching not indicated for sectional portions of an object.

Fig(s) \_\_\_\_\_

\_\_\_\_\_ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) \_\_\_\_\_

\_\_\_\_\_ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) \_\_\_\_\_

13. LEAD LINES. 37 CFR 1.84(q)

\_\_\_\_\_ Lead lines cross each other. Fig(s) \_\_\_\_\_

\_\_\_\_\_ Lead lines missing. Fig(s) \_\_\_\_\_

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

\_\_\_\_\_ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

\_\_\_\_\_ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

16. CORRECTIONS. 37 CFR 1.84(w)

\_\_\_\_\_ Corrections not made from prior PTO-948 dated \_\_\_\_\_

17. DESIGN DRAWINGS. 37 CFR 1.152

\_\_\_\_\_ Surface shading shown not appropriate. Fig(s) \_\_\_\_\_

\_\_\_\_\_ Solid black shading not used for color contrast.

Fig(s) \_\_\_\_\_

COMMENTS

*Handwritten comments in the comments box.*

*Handwritten notes below the comments box.*

REVIEWER \_\_\_\_\_

DATE 3/19/2001

TELEPHONE NO. 202 305 941

ATTACHMENT TO PAPER NO. \_\_\_\_\_



Mr. Tom Hawkins/Mr. Mark Spisich  
United States Department of Commerce  
Patent and Trademark Office  
Washington D.C. 20231

Feb 13, 2001

Re: 09/233,805

Gentlemen:

I have never abandoned my patent application; I have moved several times and mail often has not caught up with me; thank you for the patience and assistance with the confusion thus created.

From our recent telecons, I am enclosing the final artwork drawings that I understand are now correct; please review same and incorporate them into the final patent.

Again, when this patent finally issues you are cordially invited to our family celebration in Boston.

Yours truly,

A handwritten signature in cursive script, appearing to read "AW Learned III".

AW Learned III

Box 164, N. Abington MA 02351

781-871-7239

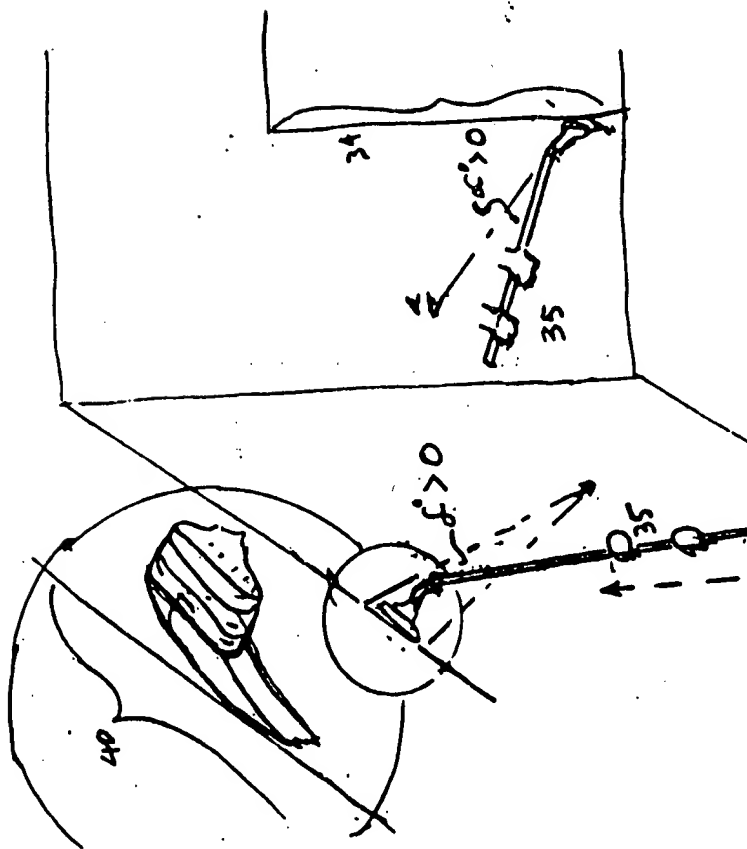


FIG. 1A

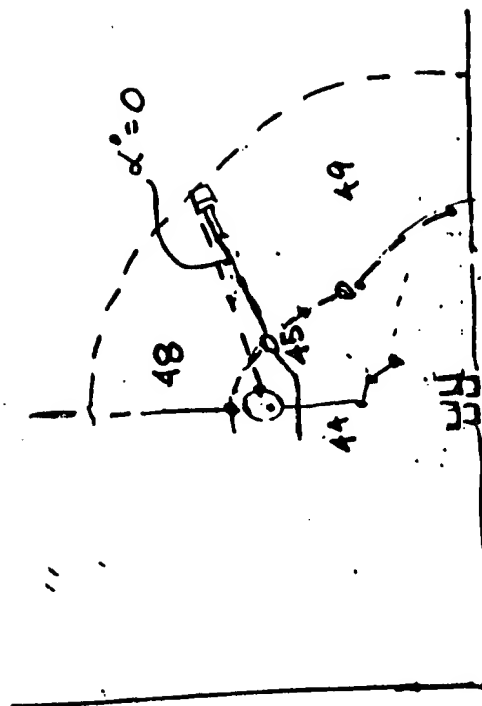


FIG. 1B

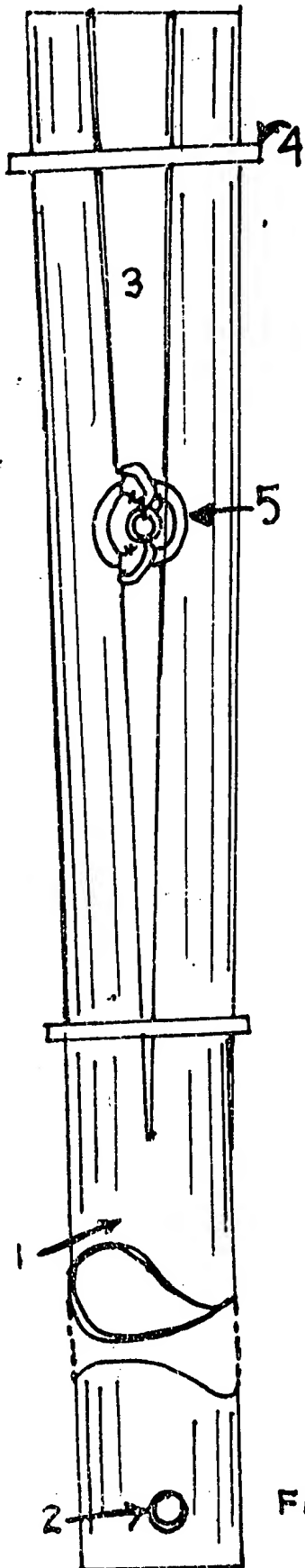


FIG. 2

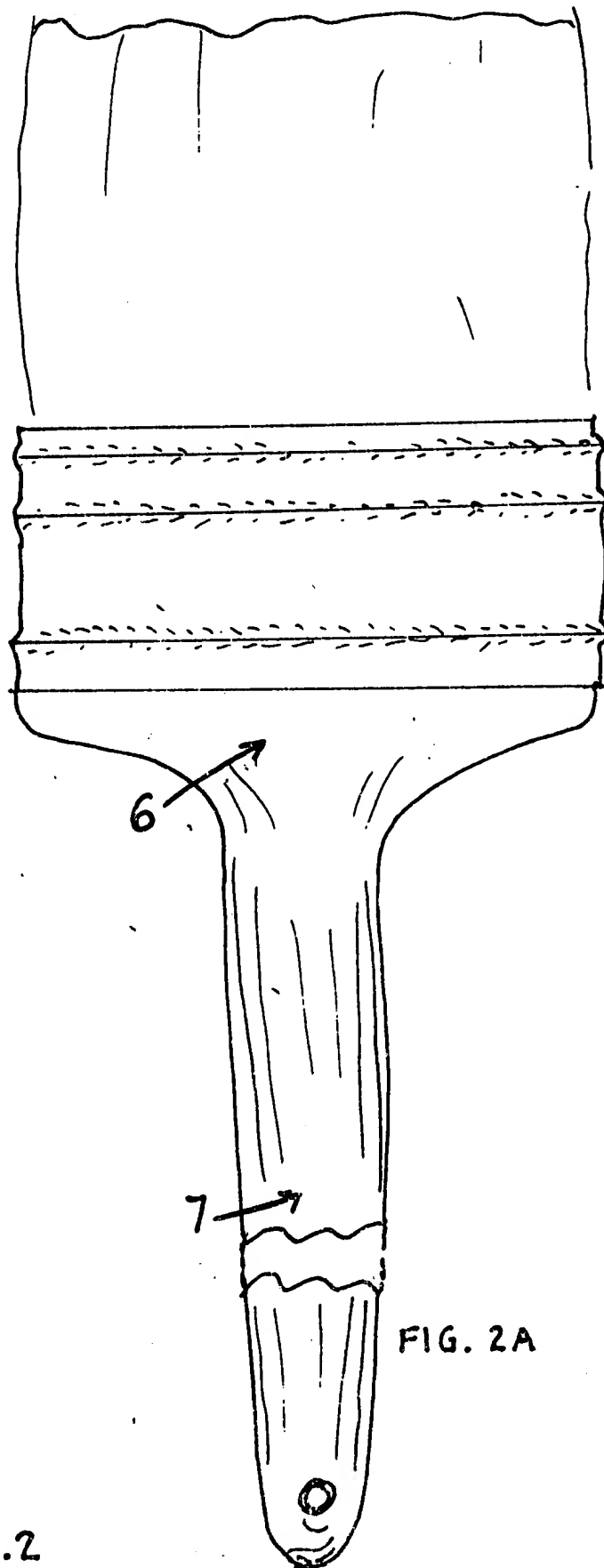


FIG. 2A

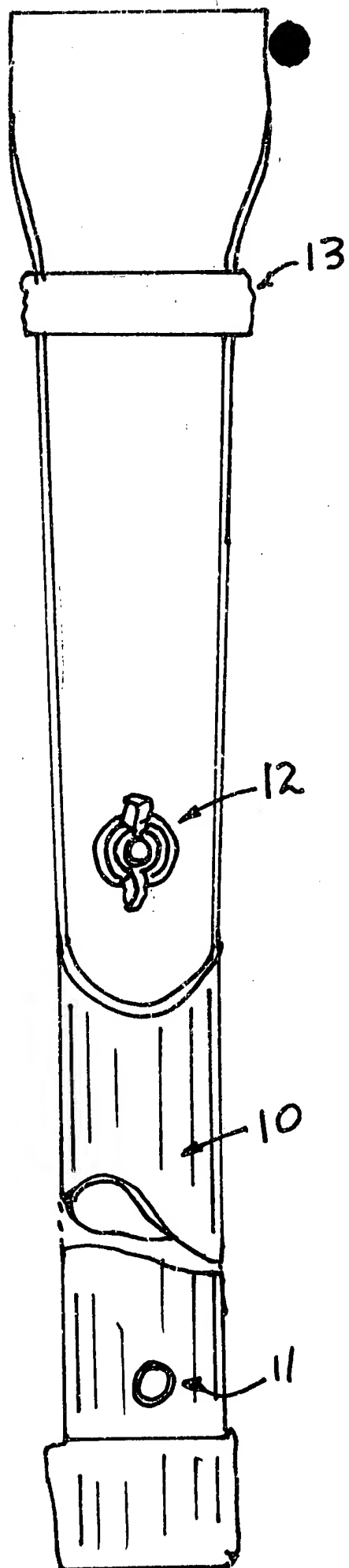


FIG 3A

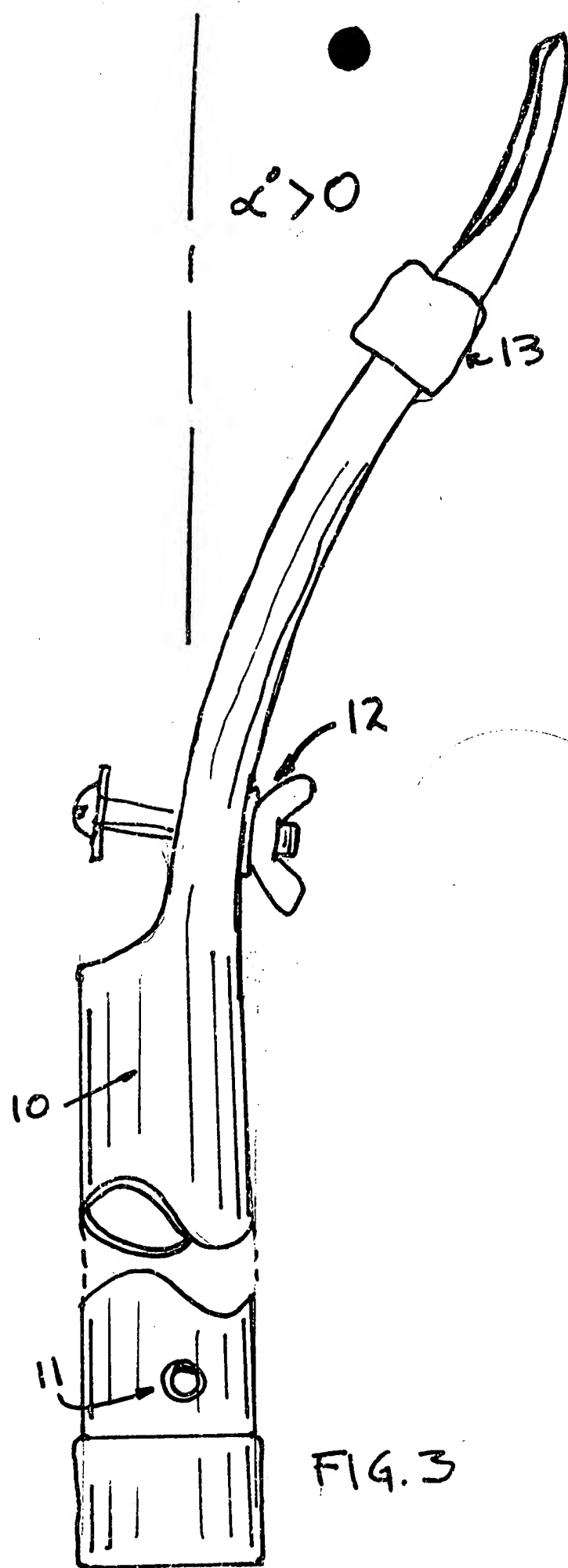


FIG. 3